

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEPHEN NORVILLE
623 2nd Avenue
Rosell, NJ 07203,

Docket # 07 CV 2939 (SCK)

Plaintiff,

-against-

**ANSWER TO PLAINTIFF'S
FIRST AMENDED CIVIL
ACTION COMPLAINT**

MANHATTAN WOODS GOLF CLUB
One Ahlmeyer Drive
West Nyack, New York 10994,

JURY TRIAL DEMANDED

Defendant.

Defendant, MANHATTAN WOODS GOLF CLUB, by its attorneys, RIVKIN
RADLER LLP, respectfully submits the following upon information and belief as and for
its answer to plaintiff's first amended civil action complaint:

FIRST: Defendant denies each and every allegation contained in paragraph
numbered "1" of the plaintiff's amended complaint and refers all questions of law and
fact to this Honorable Court and the triers of fact at the trial of this action.

SECOND: Defendant denies having knowledge or information sufficient to form
a belief as to each and every allegation contained in paragraphs numbered "2", "3" and
"4" of the plaintiff's amended complaint and refers all questions of law and fact to this
Honorable Court and the triers of fact at the trial of this action.

PARTIES

THIRD: Answering paragraph numbered "5" of the plaintiff's complaint herein,
defendant, MANHATTAN WOODS GOLF CLUB, repeats and reiterates each and every
denial heretofore made in regard to each and every paragraph of plaintiff's amended

complaint, designated as paragraphs "1" through "4" inclusive with the same force and effect as though more fully set forth at length herein.

FOURTH: Defendant denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "6" of the plaintiff's amended complaint.

FIFTH: Defendant denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "8" of the plaintiff's amended complaint and refers all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

FACTUAL BACKGROUND

SIXTH: Answering paragraph numbered "9" of the plaintiff's complaint herein, defendant, MANHATTAN WOODS GOLF CLUB, repeats and reiterates each and every denial heretofore made in regard to each and every paragraph of plaintiff's amended complaint, designated as paragraphs "1" through "8" inclusive with the same force and effect as though more fully set forth at length herein.

SEVENTH: Defendant denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraphs numbered "12" and "16" of the plaintiff's amended complaint.

EIGHTH: Defendant denies each and every allegation contained in paragraphs numbered "13", "14", "17" and "19" of the plaintiff's amended complaint.

NINTH: Defendant denies each and every allegation contained in paragraphs numbered "15", "20", "21", "22", "23" and "24" of the plaintiff's amended complaint and refers all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

TENTH: Defendant denies each and every allegation contained in paragraphs numbered "20", "21", "22" and "23" of the plaintiff's amended complaint and objects to these allegations as they call for conclusions of law, as such, defendant refers all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

ELEVENTH: Defendant admits the allegations contained in paragraph numbered "24" of the plaintiff's amended complaint and objects to these allegations as they call for conclusions of law, as such, defendant refers all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

COUNT I

TWELFTH: Answering paragraph numbered "25" of the plaintiff's complaint herein, defendant, MANHATTAN WOODS GOLF CLUB, repeats and reiterates each and every denial heretofore made in regard to each and every paragraph of plaintiff's amended complaint, designated as paragraphs "1" through "24" inclusive with the same force and effect as though more fully set forth at length herein.

THIRTEENTH: Defendant denies each and every allegation contained in paragraph numbered "26" of the plaintiff's amended complaint.

FOURTEENTH: Defendant denies each and every allegation contained in paragraph numbered "27" of the plaintiff's amended complaint and refers all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

COUNT II

FIFTEENTH: Answering paragraph numbered "28" of the plaintiff's amended complaint herein, defendant, MANHATTAN WOODS GOLF CLUB, repeats and reiterates each and every denial heretofore made in regard to each and every paragraph of

plaintiff's complaint, designated as paragraphs "1" through "27" inclusive with the same force and effect as though more fully set forth at length herein.

SIXTEENTH: Defendant denies each and every allegation contained in paragraphs numbered "29" and "30" of the plaintiff's amended complaint and refers all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

COUNT III

SEVENTEENTH: Answering paragraph numbered "31" of the plaintiff's amended complaint herein, defendant, MANHATTAN WOODS GOLF CLUB, repeats and reiterates each and every denial heretofore made in regard to each and every paragraph of plaintiff's complaint, designated as paragraphs "1" through "30" inclusive with the same force and effect as though more fully set forth at length herein.

EIGHTEENTH: Defendant denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraphs numbered "32", "33" and "34" of the plaintiff's amended complaint and refers all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

NINETEENTH: Defendant denies each and every allegation contained in paragraph numbered "35" of the plaintiff's amended complaint and refers all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

TWENTIETH: Defendant denies each and every allegation contained in paragraph numbered "37"¹ of the plaintiff's amended complaint.

¹ This Amended Complaint does not contain a paragraph number "36".

COUNT IV

TWENTY-FIRST: Answering paragraph numbered "38" of the plaintiff's complaint herein, defendant, MANHATTAN WOODS GOLF CLUB, repeats and reiterates each and every denial heretofore made in regard to each and every paragraph of plaintiff's amended complaint, designated as paragraphs "1" through "37" inclusive with the same force and effect as though more fully set forth at length herein.

TWENTY-SECOND: Defendant denies each and every allegation contained in paragraphs numbered "39", "42" and "43" of the plaintiff's amended complaint and refers all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

TWENTY-THIRD: Defendant denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "40" of the plaintiff's amended complaint and refers all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

TWENTY-FOURTH: Defendant denies each and every allegation contained in paragraph numbered "41" of the plaintiff's amended complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

TWENTY-FIFTH: That plaintiff's amended complaint fails to state a claim against the defendant upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

TWENTY-SIXTH: That the rights of action and/or the causes of action and/or each of them set forth in the plaintiff's amended complaint as against the defendant is barred by the applicable Statutes of Limitations.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

TWENTY-SEVENTH: Plaintiff was exempt from the requirements of the Fair Labor Standards Act and New York Labor Law.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

TWENTY-EIGHTH: Plaintiff has failed to exhaust his administrative remedies.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

TWENTY-NINTH: Plaintiff has failed to mitigate his alleged damages.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

THIRTIETH: Plaintiff's claims are barred by the doctrine of laches.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

THIRTY-FIRST: Defendant had a legitimate, independent and nondiscriminatory business reason for its actions and, therefore, its actions were not the result of unlawful discrimination.

AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE

THIRTY-SECOND: Defendant paid plaintiff a salary and plaintiff was paid for substantial time periods when Plaintiff did not perform any work or was not at Manhattan Woods Golf Club.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

THIRTY-THIRD: Defendant did not direct or authorize Plaintiff to work overtime.

WHEREFORE, defendant, MANHATTAN WOODS GOLF CLUB, demands judgment dismissing the plaintiff's amended complaint herein, together with the costs and disbursements of this action.

DATED: Uniondale, New York
September 24, 2007

Yours, etc.,

RIVKIN RADLER LLP
Attorneys for Defendant
MANHATTAN WOODS GOLF CLUB

By:



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